OIPE JC#40
NOV 22 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Group Art Unit: 2143
	:	Examiner: T. J. Mauro Jr.
Gerald F. McBrearty et al.	:	Intellectual Property
Serial No: 09/627,223	:	Law Department - 4054
Filed: 7/27/2000	:	International Business
Title: REDUCING DOWNLOADING	:	Machines Corporation
TIME FOR WEB DOCUMENTS AT	:	11400 Burnet Road
WORLD WIDE WEB RECEIVING	:	Austin, Texas 78758
DISPLAY STATIONS BY	:	Customer No. 32,329
PRESELECTING SPECIFIED WEB	:	
DOCUMENTS TO BE DOWNLOADED IN	:	
A TEXT-ONLY MODE	:	
Date: 11/17/04	:	

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BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1-24 of this Application. Appendix VIII containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

II. Related Appeals and Interferences

None

11/24/2004 RHEBRAHT 00000046 090447 09627223
01 FC:1402 340.00 DA

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 24 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: None.
4. Claims allowed: None.
5. Claims rejected: 1-24.

C. CLAIMS ON APPEAL

Claims on appeal: 1-24.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

Applicants do not claim to be the first to recognize that there may be circumstances when the Web documents may be transmitted and presented in a text only mode. The present invention provides an implementation by which the user is enabled to preselect those Web documents which when subsequently received will be downloaded in a text-only mode. A convenient application of this function would be the bookmarked Web document. When a Web document is bookmarked, the user has already previously viewed and may thus evaluate and preselect the state of any subsequent download of the Web document. Similarly, a familiar user may be aware of Web sites and even Web domains which conventionally provide complex Web documents with elaborate graphics and images. Thus, documents from such sources may be preselected for the text-only download mode. The key to the present invention is that although the requested Web documents are hypertext documents and are transmitted from their Web sources as single not multiple hypertext documents, which include graphics, they may be selectively downloaded at the receiving terminals in a text-only mode or in the default graphics and text mode.

VI. Grounds of Rejection

Claims 1, 2, 6-9, 13-16 and 20-21, are rejected as anticipated by Narayanaswami (US6,182,113) under 35 USC 102(e).

Claims 3-5, 10-12, and 17-19 are rejected under 35 USC 103(a) as unpatentable over the combination of the Narayanaswami patent in view of Duval et al. (US5,884,033).

Claims 22-24 are rejected under 35 USC 103(a) as unpatentable over the combination of the Narayanaswami patent in view of Dan et al. (US6,560,639)

VII. Argument

A. Claims 1, 2, 6-9, 13-16 and 20-21, are Not Anticipated by Narayanaswami (US6,182,113) under 35 USC 102(e).

With respect to the rejection of claims 1, 2, 6-9, 13-16 and 20-21, as anticipated by Narayanaswami under 35 USC 102(e), it is submitted that a rejection based on anticipation under 35 U.S.C. 102, must expressly or impliedly teach every element of invention without modification. The Examiner's application of the Narayanaswami does not meet this standard. Applicants do not claim to be the first to recognize that there may be circumstances when the Web documents may be transmitted and presented in a text only mode. That is essentially all that the Narayanaswami teaching has in common with present invention. The present invention goes on to provide an implementation by which the user is enabled to preselect those Web documents which when subsequently received will be downloaded in a text-only mode. The key to the present invention is that although the requested Web documents are hypertext documents (including graphics and text) and are transmitted from their Web sources as single not multiple hypertext documents, they may be selectively downloaded at the receiving terminals in a text-only mode or in the default full graphics and text mode.

As Figs. 2, 3A and 3B in Narayanaswami show, the Web pages i.e. Web documents are transmitted from the source as two different pages: one including graphics and one with text-only (Fig. 3A first Web page is "WS A INCLUDE GRAPHICS", and second Web page is "WS A TEXT ONLY").

Unlike the teaching of this reference, in the present invention, a process is set up at the receiving station for

storing a listing of preselected Web documents or document domains which are to be displayed in a text-only mode and then comparing received Web documents (pages) to the stored list. The same hypertext Web document (page) is downloaded and displayed in a text-only mode if there is a compare to such a stored document or domain designation. On the other hand, if there is no compare, then the Web page is displayed in its original full page mode.

In Narayanaswami, the requested Web pages are sent from their source as two different Web pages: Fig. 3A, first Web page is "WS A INCLUDE GRAPHICS", and second Web page is "WS A TEXT ONLY". Thus this reference fails to disclose the claimed combination of:

"..means at a receiving display station for downloading the requested hypertext Web document in a hypertext mode,.....and means responsive to said determining means for downloading said requested hypertext Web document in a text-only mode." (e.g., from claim 1).

In the Narayanaswami disclosure, two different Web pages or documents are received: the above mentioned first and second pages: "WS A INCLUDE GRAPHICS", and "WS A TEXT ONLY" as shown in Examiner cited Fig. 3A.

Thus, it is submitted that Narayanaswami does not expressly or impliedly teach every element of invention without modification as required for anticipation under 35 USC 102.

B. Claims 3-5, 10-12, and 17-19 are Patentable under 35 USC 103(a) over the Combination of Narayanaswami (US6,182,113) in View of Duval et al. (US5,884,033).

1) The Narayanaswani (US6,182,113) patent is owned by a Common Assignee, IBM Corporation, and is thus precluded from being used in any 35 USC 103 rejection under 35 USC 103(c).

The present Application and Narayanaswami Patent were commonly owned by International Business Machines Corporation, the Assignee herein at the time the invention of the present Application was made. The file of the present Application indicates that an Assignment of the present Application to said Assignee is filed in the Patent Office. Also the printed Naarayanaswami patent indicates that it is assigned to the same Assignee. Since the present Application has a filing date after November 29, 1999, and the Narayanaswami Patent would qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Narayanaswami patent can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections [706.02(l); (l)(1); (l)(2); and (l)(3)].

Accordingly, it is submitted that claims 3-5, 10-12, and 17-19 are precluded from any 35 USC 103 rejection based upon Narayanaswami, and are thus allowable.

2) The Invention of Claims 3-5, 10-12, and 17-19 is Unobvious under 35 USC 103(a) over the Combination of Narayanaswami in View of Duval et al. (US5,884,033).

These claims cover the additional aspect of the present invention of preselecting domains from which Web documents are to be downloaded and displayed in a text-only mode. The Examiner admits that Narayanaswami does not disclose this

and relies on Duvall to make up for this deficiency in Narayanaswami.

It is submitted that about the only thing that Duvall has in common with either the present invention or Narayanaswami is that all relate to transmission of Web documents. Duvall is no way concerned with problems with bandwidth or downloading times of Web documents. Duvall is primarily concerned with the filtering out of objectionable content, particularly sexually explicit content from Web documents so that children may be protected. This is rather remote from Web document bandwidth or downloading time optimization. It would appear that Examiner is prompted to contend that the Duvall patent pornographic filtering to be an art analogous to Applicants' preselected downloading mode because Duvall predesignates specific known pornographic Web sites as those whose Web documents are to filtered for sexual content, and the present invention preselects documents from selected sites for a text-only download.

Applicants submit that Narayanaswami does not consider the web site or the source of their Web documents for any purpose. Thus, if we would look to the teachings of the two references alone why would one skilled in the art be led to combine disclosures from the technology of filtering Web documents for sexual content with disclosures from optimizing Web download capacities? The only suggestion that Duvall would be selected by such criteria would come only from the present invention. Combinations of references can not be made based upon applicants' own teaching.

C. Claims 22-24 are Patentable under 35 USC 103(a) over the Combination of Narayanaswami (US6,182,113) in View of Dan (US6,560,639).

As set forth in Section VII B. 1), hereinabove, the Narayanaswami patent is precluded from being used as reference under 35 USC 103(c) because it is commonly owned with the present application.

In addition, dependent claims 22-24 are submitted to be patentable over Narayanaswami for the resons set forth hereinabove for the patentability of their respective independent claims. In addition, claims 22-24 set forth that the text-only presentation mode for received Web pages is an ASCII text mode. Applicants will concede that ASCII as represented by Dan is a well developed text presentation mode but submit that claims 22-24 are unobvious for all of the reasons set forth above for independent claims 1, 8, and 15.

Response to Examiner's Arguments

The Examiner appears to be taking the position that Applicants' argument that Narayanaswami uses two different Web pages: a text only Web page, and a full graphics/text Web page while the present Application is limited to a same single Web page downloaded in either the text only or full graphics/text mode is not supported by limitations in the claims.

Applicants submit that the claims clearly cover this distinction. Each independent claim sets forth means at a receiving station for downloading an accessed Web document in the hypertext mode (i.e. the full Web document) and means for downloading said accessed Web document in a text-only mode.

In this connection, the Examiner appears to argue that Narayanaswami's two different Web pages: the full Web page and the text-only Web page could be contained in the same Web document. This is a semantic point which should be clarified. It is clear from the entire teaching of this application that the terms: "Web page" and "Web document" are used interchangeably to mean the identical thing. It is understood that Web document is merely used to describe Web pages having several sequential pages which may either be downloaded in either the full hypertext mode or in a text only mode. There would be no purpose in the present invention to download alternate pages in an accessed Web document in a full hypertext mode and in a text-only mode.

Conclusion

In view of the foregoing, it is submitted that:

Claims 1, 2, 6-9, 13-16 and 20-21, are not anticipated by Narayanaswami (US6,182,113) under 35 USC 102(e);

Claims 3-5, 10-12, and 17-19 are Patentable under 35 USC 103(a) over the combination of Narayanaswami (US6,182,113)in view of Duval et al. (US5,884,033); and

Claims 22-24 are Patentable under 35 USC 103(a) over the combination of Narayanaswami (US6,182,113) in view of Dan (US6,560,639).

Accordingly, it is respectfully requested the Final Rejection of these claims be reversed, and that claims 1-24 be found to be in condition for allowance.

Respectfully submitted

J. B. Kraft 11/17/04

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VIII Claims Appendix

1. In a World Wide Web communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying requested hypertext Web documents of at least one display page containing text and images, a system for reducing the downloading time of predetermined hypertext Web documents requested from said Web comprising:

means at a receiving display station for downloading said requested hypertext Web document in a hypertext mode,

means enabling a user at said receiving display station to preselect said requested hypertext Web documents to be downloaded in a text-only mode,

means for determining whether a requested hypertex web document has been preselected for downloading in a text-only mode, and

means responsive to said determining means for downloading said requested preselected hypertext Web document in a text-only mode.

2. The network system of claim 1 further including

means for bookmarking selected requested hypertext Web documents to thereby store at said receiving display station, direct links to the documents for future access,

said bookmarking means including said means enabling the user to preselect said text-only mode to thereby enable the user to preselect whether the bookmarked hypertext Web document will be downloaded in a text-only mode when received.

3. The network system of claim 1 wherein said user is enabled to preselect domains from which, all requested Web documents will be downloaded in a text-only mode.

4. The network system of claim 3 wherein said user is enabled to preselect Web sites from which, all requested hypertext received Web documents will be downloaded in a text-only mode

5. The network system of claim 3 further comprising:

World Wide Web browsing means at said receiving display station including:

said means enabling a user at said receiving display station to preselect domains from which, all requested hypertext Web documents will be downloaded in a text-only mode, and

said means for determining whether a received requested hypertext web document has been preselected for downloading in a text-only mode.

6. The network system of claim 2 further comprising:

World Wide Web browsing means at said receiving display station including:

said means for bookmarking, and

said means for determining whether a requested hypertext web document has been preselected for downloading in a text-only mode.

7. The network system of claim 1 further including means at said receiving display station for storing said user preselections of hypertext Web documents to be downloaded in a text-only mode.

8. In a World Wide Web communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying requested hypertext Web documents of at least one display page containing text and images, a method for reducing the downloading time of predetermined hypertext Web documents requested from said Web comprising:

normally downloading said requested hypertext Web document at a receiving display station in a hypertext mode,

enabling a user at said receiving display station to preselect said requested hypertext Web documents to be downloaded in a text-only mode,

determining whether a requested hypertext Web document has been preselected for downloading in a text-only mode, and

downloading such requested preselected hypertext Web documents in a text-only mode in responsive to said determination.

9. The method of claim 8 further including the step of:

bookmarking selected requested hypertext Web documents to thereby store at said receiving display station, direct links to the documents for future access,

said bookmarking step, being carried out in association with said step of enabling the user to preselect said text-only mode to thereby enable the user to preselect whether the bookmarked hypertext Web document will be downloaded in a text-only mode when requested.

10. The method of claim 8 wherein said user is enabled to preselect domains from which, all requested hypertext Web documents will be downloaded in a text-only mode.

11. The method of claim 10 wherein said user is enabled to preselect Web sites from which, all requested hypertext Web documents will be downloaded in a text-only mode

12. The method of claim 10 further comprising:

World Wide Web browsing means at said receiving display station including:

a Web browsing process at said receiving display station including:

said steps of:

enabling a user at said receiving display station to preselect domains from which, all requested hypertext Web documents will be downloaded in a text-only mode, and

determining whether a requested hypertext web document has been preselected for downloading in a text-only mode.

13. The method of claim 9 further comprising:

a Web browsing process at said receiving display station including:

said steps of:

bookmarking received Web documents, and

determining whether an accessed received Web document has been preselected for downloading in a text-only mode.

14. The method of claim 8 further including the step of storing said user preselections of Web documents to be downloaded in a text-only mode at said receiving display station.

15. A computer program having code recorded on a computer readable medium for reducing the downloading time of predetermined hypertext documents of at least one display page containing text and images accessed at a World Wide Web display station comprising:

means at a receiving display station for downloading an accessed hypertext Web document in a hypertext mode,

means enabling a user at said receiving display station to preselect received said accessed Web documents to be downloaded in a text-only mode,

means for determining whether an accessed web document has been preselected for downloading in a text-only mode, and

means responsive to said determining means for downloading said accessed preselected Web document in a text-only mode.

16. The computer program of claim 15 further including:

means for bookmarking selected received Web documents to thereby store at said receiving display station, direct links to the documents for future access,

said bookmarking means including said means enabling the user to preselect said text-only mode to thereby enable the user to preselect whether the bookmarked Web document will be downloaded in a text-only mode when accessed.

17. The computer program of claim 15 wherein said user is enabled to preselect domains from which, all accessed Web documents will be downloaded in a text-only mode.

18. The computer program of claim 17 wherein said user is enabled to preselect Web sites from which, all accessed Web documents will be downloaded in a text-only mode.

19. The computer program of claim 17 further comprising:

World Wide Web browsing means at said receiving display station including:

said means enabling a user at said receiving display station to preselect domains from which, all accessed Web documents will be downloaded in a text-only mode, and

said means for determining whether a accessed web document has been preselected for downloading in a text-only mode.

20. The computer program of claim 16 further comprising:

World Wide Web browsing means at said receiving display station including:

said means for bookmarking, and

said means for determining whether an accessed web document has been preselected for downloading in a text-only mode.

21. The computer program of claim 15 further including means at said receiving display station for storing said user preselections of Web documents to be downloaded in a text-only mode.

22. The network system of claim 1 wherein said text-only mode is an ASCII mode.

23. The method of claim 8 wherein said text-only mode is an ASCII mode.

24. The computer program of claim 15 wherein said text-only mode is an ASCII mode.

61

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CERTIFICATE OF MAILING

I hereby certify that this correspondence including a Brief on Appeal (in triplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 11/17/04.

J. B. KRAFT

Signature Date 11/17/04

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated June 24, 2004 finally rejecting claims 1-24.

Please charge our Deposit Account No. 09-0447 in the amount of $320.00.

The Commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to Deposit Account No. 09-0447. A duplicate copy of this document is included.

Respectfully submitted

11/17/04

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